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A SPECIAL DECISION OF THE COMMITTEE *

CROATIA

[30 October 1992]

Report on measures taken to prevent criminal acts perpetrated in violation of human rights and freedoms in the Republic of Croatia

I

1. Following the first free and democratic parliamentary elections in 1990, the Republic of Croatia has been established as a democratic and welfare State, with human rights and freedoms being both a point of departure and the ultimate purpose of the constitutional system. All national communities, minorities and citizens are to enjoy equal rights and equality under the law. By taking the respect for and promotion of human rights and freedoms as a basis of its legal system, the Republic of Croatia has undertaken to wholly observe all international standards applying to this area.

2. In December 1991 the Croatian Parliament passed the Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities, which was significantly amended in April 1992. This Law, which incorporates all the relevant United Nations and Conference on Security and Cooperation in Europe instruments on human rights and freedoms plus the instruments agreed upon within the Conference on the Former Yugoslavia, guarantees to the maximum possible extent human rights and freedoms in the Republic of Croatia, including to all national minorities. The Croatian Government believes that the Constitutional Law guarantees the protection of human rights in Croatia to the degree of complying with the established European and international standards.

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* By a decision of 7 October 1992 the Committee requested Croatia to submit a report on the situation in the country.

3. Unfortunately, it is more than a year now that Croatia has been exposed to an imposed aggressive war which has caused enormous human suffering and destruction of its material and cultural property. In this war, Croatia has been forced to defend its freshly established democracy against an aggressor intent on wanton destruction without refraining from unprecedented atrocities. Hardest hit in this war has been the civilian population, because the enemy, having failed to achieve its military targets, swooped on it with amazing cruelty. The result is a massive stream of refugees and displaced persons who were forced to leave their homes running for their lives. In addition to its own displaced persons, Croatia has given shelter to an enormous number of refugees from neighbouring Bosnia-Herzegovina. The total number of displaced persons and refugees exceeds 750,000 including 450,000 refugees from Bosnia-Herzegovina, which is a terrible burden on Croatia, ravaged by the war in terms of human suffering and devastation of property.

4. Croatia effectively controls about three quarters of its territory, whereas a fourth is controlled by United Nations Protection Forces, in fact, for a good part thereof, by illegal Serbian paramilitary groups and militia. The Croatian Government feels that it should be pointed out that the war on the territory of Croatia was conducted exclusively as a result of an aggressive attack by Serbian and Montenegrin troops against Croatia, the outcome of which has been an enormous number of victims both among the defenders of Croatia and its civilian population, in other words, thousands of people were killed or disabled for life. On the other hand, as a victim of aggression, Croatia was forced to defend itself and to subordinate its economic growth and the standard of living of its citizens to the defence effort.

5. The Croatian Government believes that this distinction between the aggressor and the victim must be a basis of any consideration of the situation in Croatia with regard to human rights.

6. The authorities have stepped up efforts in disclosing, documenting and preventing criminal offences perpetrated during the armed aggression against Croatia and, as part of these actions, charges have been brought against organizers and perpetrators of the armed rebellion, terrorist acts, war crimes against civilian population, genocide and other forms of threats to the security of the Republic, its citizens and their property.

II

7. The Government of the Republic of Croatia appreciates very much the determination of the Human Rights Committee to become acquainted with and to discuss the state of human rights on the territory of the former Yugoslavia with the aim of defining measures designed to improve it.

8. As for the questions addressed to the Croatian Government by the Human Rights Committee, below are the answers:

(a) Measures taken to prevent and oppose the policy of "ethnic cleansing" being, according to several reports, practised on the territory of

some parts of the former Yugoslavia in connection with articles 6 and 12 of the International Covenant on Civil and Political Rights:

(i) On the territory of Croatia controlled by the Croatian authorities no policy of "ethnic cleansing" has been practised in any form whatsoever. Appropriate authorities take all measures within their competence designed to prevent such conduct of certain individuals that may lead to forced departures or prevention of return of any sector of population;

(ii) The policy of "ethnic cleansing" as a systematic policy of the authorities of the so-called Kraina is practised against Croatian and other non-Serbian population on the territory of Croatia not controlled by Croatian authorities, as stated in a number of reports presented by international commissions. The so-called local authorities forcibly deport Croats from the presently occupied areas of Croatia (Baranya, East Slavonia, Knin Kraina) in violation of the Vance-Owen Plan in order to change the demographic structure in areas where Croats were a majority population before the war.

(b) Measures taken to prevent arbitrary arrests and killings and disappearance of persons under articles 6 and 9 of the International Covenant on Civil and Political Rights:

(i) In the first nine months of 1992, 142 murders of Croatian citizens of Serbian, Croatian, Hungarian, Muslim and Albanian nationality have been filed and assumed to have been motivated by national or religious hatred and intolerance. Of these, 27 cases have been clarified. According to available information, in the first nine months of 1992, 28 acts of kidnappings have been registered, of which 23 have been clarified, plus 22 arbitrary arrests made by various irregular groups, of which 18 have been clarified. On account of kidnapping, charges have been brought against 49 persons and on account of arbitrary arrests, against 33 persons.

(c) Measures taken to prevent arbitrary executions, torture and other inhuman acts in prison camps under articles 6, 7 and 10 of the International Covenant on Civil and Political Rights:

(i) On the territory controlled by the Croatian authorities there are no prison camps. As for the prisons on this territory, they are normal prisons fully controlled by courts and their standards meet all established European criteria, as ascertained by appropriate international commissions who visited them;

(ii) According to information available to the Croatian Government, in the areas controlled by the so-called Serbian Krainas there are still several prisons and prison camps. In the areas of East Slavonia and Baranya there were prison camps in Jagodnjak, Darda, Erdut. Dalj, Ovčari at Vukovar and Beli Manastir, the latter still existing. In the areas of West Slavonia camps have been

found to exist in Bučje and V. Peratovica. The camp in Stara Gradiška is still there. In Kordun there was a prison in Vojnić, in Kordun in the towns of Petrinja and Glina, the latter still maintained. In North Dalmatia three prisons have been found to exist;

(iii) As brought to the notice of appropriate authorities, especially with regard to eyewitness reports by prisoners, the worst methods of torture, maltreatment, killing and humiliation of prisoners have been practised. It should be noted that for the most part the innocent Croatian and other non-Serbian persons from these areas have been kept in these prisons.

(d) Measures taken to prevent dissemination of national, racial and religious hatred which breeds discrimination, enmity among people or violence under article 20 of the International Covenant on Civil and Political Rights:

(i) The official policy of the Republic of Croatia stands for both national and religious tolerance, as exemplified by joint actions on the part of representatives of different confessions, free of any discrimination. In its public addresses on various occasions, such as the religious holidays, the Croatian leadership makes no difference between them. Mass media give unbiased coverage of such events involving public addresses by the Croatian leadership to various groups of believers as well as those by the dignitaries of these confessions;

(ii) Individual cases of tension and intolerance must be treated as a result of armed conflicts and aggression waged against the Republic of Croatia. It should be noted that the Penal Code of the Republic of Croatia comprises the acts of "perpetration of national, racial and religious hatred, conflicts and intolerance" (Art. 236k KZ RH) and provides for charges to be brought against persons responsible for dissemination of such hatred and intolerance among nationalities living in the Republic of Croatia. Therefore, in reply to the questions asked it should be emphasized that the general policy of Croatia advocates the introduction of preventive conditions designed to forestall any cases of national, racial, religious and other kinds of hatred and, similarly, to repressively act in cases involving violation of these principles and the respective regulations.

(iii) In nine months of 1992, 42 crimes involving the perpetration of national, racial and religious hatred, conflicts or intolerance

have been registered, of which 40 have been clarified, committed by eight persons and referred to responsible prosecution offices for further proceedings.

9. The Croatian Government expects the discussions and conclusions of the Human Rights Committee to strengthen the Republic of Croatia in its efforts to fully implement the principles of the lawful State and ensure full respect for and promotion of human rights and freedoms on its entire territory.

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